

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

BOARD ORDER NO. R6T-2003-0055

RESCISSION OF WASTE DISCHARGE REQUIREMENTS
FOR

TAHOE PUBLIC UTILITY DISTRICT PLANT EXPANSION AND MAINTENANCE PROJECTS, BOARD ORDER NO. 6-90-08, W DID NO. 6A091550001; TAHOE CITY PUBLIC UTILITY DISTRICT MAINTENANCE PROJECTS, BOARD ORDER NO. 6-83-50, W DID NO. 6A311155401; NORTH TAHOE PUBLIC UTILITY DISTRICT MAINTENANCE PROJECTS, BOARD ORDER NO. 6-83-51, W DID NO. 6A312155401; SOUTHWEST GAS CORPORATION UNDERGROUND LINE INSTALLATIONS, BOARD ORDER 6-86-48, W DID NO. 6A310047000; PACIFIC BELL UNDERGROUND LINE INSTALLATION, BOARD ORDER 6-86-66, W DID NO. 6A98665001, AND SIERRA PACIFIC POWER COMPANY UNDERGROUND ELECTRICAL DISTRIBUTION FACILITIES INSTALLATION, BOARD ORDER 6-86-95, W DID NO. 6A090069500, EL DORADO, PLACER, AND NEVADA COUNTIES

The California Regional Water Quality Control Board, Lahontan Region (Regional Board) finds:

1. South Tahoe Public Utility District Plant Expansion Construction and Maintenance Projects

On January 11, 1990 the Regional Board adopted Board Order No. 6-90-08 prescribing waste discharge requirements (WDRs) for construction activities associated with expansion of the South Tahoe Public Utility District (STPUD) treatment plant and for ongoing utility maintenance projects.

Plant expansion included head works building modification, primary clarifier upgrades, grit chamber improvements, and other modifications to improve plant efficiency and increase capacity by 0.2 million gallons per day. STPUD completed all plant improvements by October 15, 1990 and all disturbed areas have been restored. WDRs issued for the 1990 STPUD wastewater treatment plant expansion project are no longer needed.

Maintenance activities regulated by Board Order 6-90-08 are generally limited to small projects involving less than one acre of total soil disturbance on high capability lands. Larger projects (greater than one acre) require a separate construction permit under the National Pollutant Discharge Elimination System and projects involving significant Stream Environment Zone (SEZ) disturbance require an exemption to prohibitions contained in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan).

The Regional Board and the Tahoe Regional Planning Agency (TRPA) entered into a Memorandum of Understanding (MOU) in August 2003 to develop a cooperative regulatory approach toward water quality protection and avoid unnecessary duplicative regulation. The MOU delegates primary regulatory responsibility to the TRPA for construction projects or activities that do not exceed one acre of total land disturbance and do not involve more than 1,000 square feet of disturbance or 100 cubic yards of fill in an SEZ. Since the maintenance activities regulated by Board Order 6-90-08 fit this description, the TRPA maintains primary regulatory oversight for these projects. Therefore, it is not against the public interest to rescind Board Order 6-90-08.

2. Tahoe City and North Tahoe Public Utility District Maintenance Projects

On April 3, 1987 the Regional Board adopted Board Orders No. 6-83-50 and 6-83-51 prescribing maintenance project WDRs for Tahoe City Public Utility District (TCPUD) and North Tahoe Public Utility District (NTPUD), respectively. Maintenance activities regulated by Board Orders 6-83-50 and 6-83-51 are identical to those utility maintenance activities covered by Board Order 6-90-08.

As discussed in Finding 1, above, the MOU between the Regional Board and the TRPA delegates primary regulatory authority for small construction projects (less than one acre) that do not involve significant SEZ disturbance to the TRPA.

Rescinding these maintenance permits will eliminate regulatory duplication for projects posing limited water quality threat, but will not diminish the Regional Board's enforcement authority. Therefore, it is not against the public interest to rescind Board Orders 6-83-50 and 6-83-51.

3. Southwest Gas Corporation, Pacific Bell, and Sierra Pacific Power Company Underground Utility Installations

The Regional Board adopted Board Orders No. 6-86-48, 6-86-66, and 6-86-95 in 1986 to regulate waste discharges associated with underground utility installations in the Lake Tahoe and Truckee River Hydrologic Units. These projects are generally small construction project involving linear trenching within existing road rights-of-way.

Within the Lake Tahoe Hydrologic Unit, these small construction projects are regulated by the TRPA in accordance with the MOU (see Finding 1). The Regional Board regulates these projects in the Truckee River Hydrologic Unit with the General Waste Discharge Requirements for Small Construction Projects (Board Order R6T-2003-0004).

As in Finding 3 above, rescinding these WDRs will reduce regulatory duplication without compromising the Regional Board's enforcement authority or ability to regulate activities posing a more significant threat to water quality. It is not against the public interest to rescind Board Orders No. 6-86-48, 6-86-66, and 6-86-95.

4. This action is being taken by this regulatory agency to rescind Board Order No. 6-90-08, Board Order No. 6-83-50, Board Order No. 6-83-51, Board Order No. 6-86-48, Board Order No. 6-86-66, and Board Order No. 6-86-95 which were issued pursuant to the California Water Code and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), in accordance with Title 14 California Code of Regulations, Section 15321(a)(2).
5. The Regional Board has notified the Dischargers for each facility/project and other interested parties of its intent to rescind Board Order No. 6-90-08, Board Order No. 6-83-50, Board Order No. 6-83-51, Board Order No. 6-86-48, Board Order No. 6-86-66, and Board Order No. 6-86-95.
6. The Regional Board, in a public meeting, heard and considered all comments pertaining to this Board Order.

IT IS HEREBY ORDERED that Board Order No. 6-90-08, Board Order No. 6-83-50, Board Order No. 6-83-51, Board Order No. 6-86-48, Board Order No. 6-86-66, and Board Order No. 6-86-95 be rescinded.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on October 8, 2003.

HAROLD J. SINGER
EXECUTIVE OFFICER

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[South Tahoe PUD Maintenance Projects (WDID No.6A091550001), Tahoe City PUD Maintenance Projects (WDID No. 6A311155401), North Tahoe PUD Maintenance Projects (WDID No. 6A312155401), Southwest Gas Underground Line Installation (WDID No. 6A310047000), Pacific Bell Underground Line Installation (WDID No. 6A98665001), and Sierra Pacific Power Company Underground Installations (WDID 6A090069500)]